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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jean-Sebastien Lessard

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4032

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03/10/2006

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EXAMINER

BURGESS, BARBARA N

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,896

Applicant(s)

LESSARD ET AL.

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This Office Action is in response to Appeal Brief filed December 9, 2005. The finality of claims 1-24 has been withdrawn. Claims 1-24 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Steinbach et al. (hereinafter "Steinbach", US Patent Publication 2002/0183072 A1).

As per claim 1, Giniger discloses a system for the creation and management of bookmarks relating to a location comprising:

a) a data server comprising;

i) processor means for processing data (column 5, lines 64-67, column 6, lines 1-5, column 8, lines 41-47);

ii) means for encoding data elements relating to said location (column 7, lines 10-12, column 11, lines 35-38, column 12, lines 20-23);

iii) means for storing said data elements on a storage medium (column 11, lines 38-39, column 12, lines 25-26, 34-35);

iv) means for selectively accessing said data (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37);

v) data transceiver means (column 6, lines 5-7, column 8, lines 64-65, column 11, lines 59-61, column 12, lines 43-45, column 13, lines 18-19);

b) at least one user device comprising:

i) means for determining said location position (column 5, lines 48-55, column 8, lines 23-25, 54-57);

iii) data transceiver means (column 12, lines 20-23, column 13, lines 31-33, column 18, lines 21-23);

c) a data communication network adapted to connect said user device to said data server (column 5, lines 50-61, column 8, lines 15-34).

Giniger does not explicitly disclose:

ii) means for creating data elements relating to said location.

However, in an analogous art, Steinbach discloses a system including capability for access via remote devices, including cellular telephones, pda, personal computers, tour engines that is capable of accessing information linked to geographical location, geographical positioning. A user log maintained in the system keeps track of each user's actions, such as points of interest visited and contents heard. Using the log file, one can enhance the trip experience by creating and adding bookmarks (paragraphs [0028, 0037, 0044, 0083-0084]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Steinbach's means for creating

data elements relating to location in Giniger's system enabling travelers to refer back to interesting places they visited during their trip.

As per claim 12, Giniger discloses a method allowing an end user to create and store information concerning a location, said method using a system comprising a data server, at least a user device and a data communication network, said method comprising the steps of:

- a) determining the geographical position of the location using said user device (column 5, lines 12-15, 49-67, column 7, lines 6-8, column 8, lines 15-21, 45-51);
- b) identifying or creating additional data associated to said location (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37);
- d) transmitting said record from said user device to said data server using said data communication network (column 12, lines 20-23, column 13, lines 31-33, column 18, lines 21-23);
- e) storing said record in said data server (column 11, lines 38-39, column 12, lines 25-26, 34-35).

Giniger does not explicitly disclose:

- c) creating a record comprising said position and said additional data elements using said user device.

However, in an analogous art, Steinbach discloses a system including capability for access via remote devices, including cellular telephones, pda, personal computers, tour engines that is capable of accessing information linked to geographical location, geographical positioning. A user log maintained in the system keeps track of each

user's actions, such as points of interest visited and contents heard. Using the log file, one can enhance the trip experience by creating and adding bookmarks (paragraphs [0028, 0037, 0044, 0083-0084]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Steinbach's means for creating data elements relating to location in Giniger's system enabling travelers to refer back to interesting places they visited during their trip.

As per claim 13, Giniger discloses a method as claimed in claim 12 wherein the said record is created by the user of a wireless device (column 8, lines 15-34).

As per claim 14, Giniger discloses a method as described in claim 12 wherein said record is created by the user of a wired device (column 8, lines 15-34).

As per claim 15, Giniger discloses a method as claimed in claim 13 wherein said wireless device is a cellular telephone (column 8, lines 15-34).

As per claim 16, Giniger discloses a method as claimed in claim 12 wherein said record is created by the user of a browser based light client (column 8, lines 15-34).

As per claim 17, Giniger discloses a method allowing an end user to create and store information concerning a location, said method using a system comprising a data

server, at least a user device and a data communication network, said method comprising the steps of:

- a) determining the geographical coordinates of the location using said user device;
- c) transmitting said geographical coordinates and said additional data elements from said user device to said data server using said data communication network (column 12, lines 20-23, column 13, lines 31-33, column 18, lines 21-23);
- d) storing said coordinates and said additional data elements in said data server (column 7, lines 6-12, column 11, lines 38-39, column 12, lines 25-26, 34-35).

Giniger does not explicitly disclose:

- b) identifying or creating additional data elements associated to said location using said user device (column 6, lines 1-5, column 8, lines 61-64, column 12, lines 33-37);

However, in an analogous art, Steinbach discloses a system including capability for access via remote devices, including cellular telephones, pda, personal computers, tour engines that is capable of accessing information linked to geographical location, geographical positioning. A user log maintained in the system keeps track of each user's actions, such as points of interest visited and contents heard. Using the log file, one can enhance the trip experience by creating and adding bookmarks (paragraphs [0028, 0037, 0044, 0083-0084]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Steinbach's means for creating data elements relating to location in Giniger's system enabling travelers to refer back to interesting places they visited during their trip.

As per claim 18, Giniger discloses a method as in claimed 12 wherein said coordinates are determined with the use of a GPS device (column 7, lines 6-12, 20-25, 45-53).

As per claim 19, Giniger discloses a method as claimed in claimed 17 wherein said coordinates are determined with the use of a GPS device (column 9, lines 49-60).

As per claim 20, Giniger discloses a method as claimed in claim 19 wherein said GPS device is integrated to a wireless communication device (column 9, lines 19-25, 49-55).

As per claim 21, Giniger discloses a method as claimed in claim 20 wherein said wireless communication device is a cellular telephone (column 8, lines 15-34).

As per claim 22, Giniger discloses a method allowing an end user to a record created pursuant to the method claimed in claim 12, comprising the steps of:

- a) accessing said data server using said data communication network using a wireless device (column 5, lines 50-61, column 8, lines 15-34);
- b) selecting said record said data server (column 11, lines 38-39, column 12, lines 25-26, 34-35);
- c) communicating said record over said data communication network to the user of said wireless device (column 6, lines 5-7, column 8, lines 64-65, column 11, lines 59-61, column 12, lines 43-45, column 13, lines 18-19).

As per claim 23, Giniger discloses a method as claimed in claim 12, wherein the system further comprising a second user device, said method further allowing an end user to share said information concerning a location with a second end user, said method further comprising the step of transmitting said record from said first user device to said second user device using said data communication network (column 7, lines 15-27)

As per claim 24, Giniger discloses a method as claimed in claim 17, wherein the system further comprises a second user device, said method further allowing an end user to share said information concerning a location with a second end user, said method further comprising the step of transmitting said record from said first user device to said second user device using said data communication network (column 7, lines 15-27).

3. Claims 2, 4, 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Steinbach et al. (hereinafter "Steinbach", US Patent Publication 2002/0183072 A1) and in further view of Farrington et al. (hereinafter "Farrington", US Patent Publication 2002/0089421 A1).

As per claim 2, Giniger, in view of Steinbach, discloses a system as claimed in claim 1. Giniger, in view of Steinbach, does not explicitly disclose in which the data elements are adapted to contain data representations of:

- a) the geographical position of the location;
- b) an identifier associated with the location.

However, in an analogous art, Farrington discloses a device having GPS location means and is able to take a record of current location information. The information describes the physical location of the user and device. The user of the device can gather physical location information of locations of interest to build up a set of "location bookmarks". The user can subsequently access this information at will. The user can also set specific alarm events for each location causing an output signal to be generated when the device returns to a particular location. (paragraphs [0031, 0034]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Farrington's data elements representing the geographical position and an identifier associated with the location in Giniger's system enabling the user to effectively build a library of specific location that can be accessed at will.

As per claim 4, Giniger, in view of Steinbach, does not explicitly disclose a system as claimed in claim 2 wherein said identifier is one or more of the following:

- a) a text;
- b) a video recording;
- c) an audio recording;
- d) an image.

However, in an analogous art, Farrington discloses a device having GPS location means and is able to take a record of current location information. The information

describes the physical location of the user and device. The user of the device can gather physical location information of locations of interest to build up a set of "location bookmarks". The user can subsequently access this information at will. The user can also set specific alarm events for each location causing an output signal to be generated when the device returns to a particular location. One type of location information is a text string that may be used to identify a location (paragraphs [0031, 0034-0036]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Farrington's identifier is one or more of text, video recording, audio recording, and image in Giniger's system enabling the user to associate text strings with locations and subsequently scroll through a list of recorded locations by identity.

As per claim 6, Giniger, in view of Steinbach, does not explicitly disclose a system as claimed in claim 4 further comprising data elements which are adapted to contain data representations of the identification of the author of the bookmark.

However, in an analogous art, Farrington discloses providing location information to describe the physical location of the user and device. One type of associated information is text string that may be used to identify the location. A message can be inputted by the user to remind the user of what they need to do while at a particular location (paragraphs [0035-0038]).

As per claim 9, Giniger, in view of Steinbach, discloses a virtual location bookmark for use with a system as described in claim 1.

Giniger, in view of Steinbach, does not explicitly disclose in which the data elements are adapted to contain data representations of:

- a) the geographical position of the location;
- b) an identifier associated with the location.

However, in an analogous art, Farrington discloses a device having GPS location means and is able to take a record of current location information. The information describes the physical location of the user and device. The user of the device can gather physical location information of locations of interest to build up a set of "location bookmarks". The user can subsequently access this information at will. The user can also set specific alarm events for each location causing an output signal to be generated when the device returns to a particular location. (paragraphs [0031, 0034]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Farrington's data elements representing the geographical position and an identifier associated with the location in Giniger's system enabling the user to effectively build a library of specific location that can be accessed at will.

4. Claims 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Steinbach et al. (hereinafter "Steinbach", US Patent Publication 2002/0183072 A1) in further view of

Farrington et al. (hereinafter "Farrington", US Patent Publication 2002/0089421 A1) and in further view of Kitano et al. (hereinafter "Kitano", US Patent No 5,926,116).

As per claim 3, Giniger, in view of Steinbach and Farrington, discloses a system as claimed in claim 2.

Giniger, in view of Steinbach and Farrington, does not explicitly disclose the system in which the geographical position data elements comprise:

- a) the latitude associated with the location;
- b) the longitude associated with the location.

However, in analogous art, Kitano discloses a GPS detection means that detects current position such as a latitude and a longitude at which the portable terminal is positioned (column 4, lines 1-5, 57-60, column 5, lines 31-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating latitude and longitude with the location in Giniger in order for a terminal's position to be retrieved.

As per claim 10, Giniger, in view of Steinbach and Farrington, discloses a virtual bookmark as claimed in claim 9.

Giniger, in view of Steinbach and Farrington, does not explicitly disclose the system wherein the geographical position data elements comprise:

- a) the latitude associated with the location; and
- b) the longitude associated with the location.

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However, in analogous art, Kitano discloses a GPS detection means that detects current position such as a latitude and a longitude at which the portable terminal is positioned (column 4, lines 1-5, 57-60, column 5, lines 31-54).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating latitude and longitude with the location in Giniger in order for a terminal's position to be retrieved.

5. Claims 5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of in view of Steinbach et al. (hereinafter "Steinbach", US Patent Publication 2002/0183072 A1) in further view of Farrington et al. (hereinafter "Farrington", US Patent Publication 2002/0089421 A1) in further view of Kitano et al. (hereinafter "Kitano", US Patent No 5,926,116) and in further view of Camhi (US Patent No 5,825,283).

As per claim 5, Giniger discloses a system as claimed in claim 3.

Giniger does not explicitly disclose the system comprising data elements which are adapted to contain data representations of the altitude associated with the location. However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

As per claim 11, Giniger discloses a virtual location bookmark as claimed in claim 10.

Giniger does not explicitly disclose the system further comprising the altitude associated with the location.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giniger et al. (hereinafter "Giniger", US Patent No 6,199,045 B1) in view of Steinbach et al. (hereinafter "Steinbach", US Patent Publication 2002/0183072 A1) in further view of Farrington et al. (hereinafter "Farrington", US Patent Publication 2002/0089421 A1) and in further view of Camhi (US Patent No 5,825,283).

As per claim 7, Giniger, in view of Steinbach and Farrington, discloses a system as claimed in claim 6.

Giniger, in view of Steinbach and Farrington, does not explicitly disclose the system further comprising data elements which are adapted to contain data representations of the accuracy of the data representations of the latitude, the longitude and the altitude.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

As per claim 8, Giniger, in view of Steinbach and Farrington, discloses a system as claimed in claim 1 in which the data elements are adapted to contain data representations of:

c) an identifier associated with the location.

Giniger, in view of Steinbach and Farrington, does not explicitly disclose in which the data elements are adapted to contain data representations of:

- a) the latitude associated with the location;
- b) the longitude associated with the location;
- d) the altitude associated with the location.

However, Camhi discloses a tracking device that utilizes satellites of the Global Positioning System to provide location information such as latitude, longitude, and altitude (column 2, lines 63-67).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate associating altitude with the location in Giniger in order for automobile to be tracked.

Response to Arguments

7. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

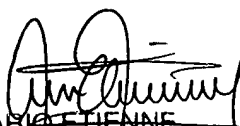
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

March 4, 2006


ARLETTE
PRIMARY EXAMINER